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TO: USPTO, Mail Stop Missing Parts  
DATE: September 16, 2004  
Fax Number: (703) 746-4060  
Phone Number: (703) 308-1202  
Total Number of pages: 7 (including cover sheet)  
RE: Response to Notice to File Missing Parts  
Serial Number: 10/826,048  
Filing Date: April 16, 2004  
Confirmation Number: 9466  
First Inventor: Ingo Konetzki  
Attorney Docket Number: 1/1499US

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900 Ridgely Rd/P.O. Box 368  
CT 06877-0368

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application which was mailed on June 28, 2004, please find transmitted herewith a Declaration for Utility or Design Patent Application (37 CFR 1.63) which has been executed by the originally-named applicants.

The surcharge set forth in 37 CFR 1.16(e) for submission of the declaration at this time is \$130.00. The Commissioner is hereby authorized to charge this and any other fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. Triplicate copies of this paper are being transmitted herewith.

As requested, a copy of the Notice to File Missing Parts of Nonprovisional Application is also being transmitted.

It is hereby requested that the time for responding to the Notice To File Missing Parts of Application mailed on June 28, 2004, be extended pursuant to 37 CFR 1.136(a) for one month, so that the extended period for response will end on September 28, 2004.

The fee set in 37 CFR 1.17 for this extension of time is \$110.00. The Commissioner is hereby authorized to charge this and any other fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. Triplicate copies of this paper are enclosed.

Respectfully Submitted,

Timothy X. Witkowski

Reg. No. 40,232

Certificate of Transmission under 37 CFR 1.8  
I hereby certify that this correspondence is being  
facsimile transmitted to the United States Patent  
and Trademark Office on September 16, 2004

  
Timothy X. Witkowski, Reg. No. 40,232

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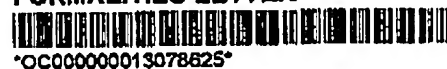
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/826,048	04/16/2004	Ingo Konetzki	1/1499US

28501  
BOEHRINGER INGELHEIM CORPORATION  
900 RIDGEBURY ROAD  
P. O. BOX 388  
RIDGEFIELD, CT 06877

CONFIRMATION NO. 9466

## FORMALITIES LETTER



\*OC000000013078625\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE